



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

CRH/JMH/EHS
F. #2017R00906

*271 Cadman Plaza East
Brooklyn, New York 11201*

September 21, 2021

By Email and USAFx

Lawrence S. Lustberg
Genna A. Conti
Gibbons P.C.
1 Gateway Center
Newark, New Jersey 07102

Brian Neary
Court Plaza South
21 Main Street, Suite 305-A
Hackensack, New Jersey 07601

Re: United States v. Michael McMahon
Criminal Docket No. 21-265 (PKC)

Dear Counsel:

Enclosed please find additional discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure, supplementing our productions dated May 5, May 25, July 12, and August 3, 2021. The government also requests reciprocal discovery from the defendant. Pursuant to Rule 16.1 of the Federal Rules of Criminal Procedure, the government remains available to confer further about pretrial discovery at a mutually convenient time.

The materials provided with today's production collectively bear Bates numbers MM-001851 through MM-002402. The materials are being provided subject to the protective order agreed to by the parties and entered by the Court on June 18, 2021. See ECF No. 70 ("the Protective Order"). The government considers certain of the materials produced today to constitute "sensitive discovery material" as that term is defined in the Protective Order. See Protective Order ¶¶ 7-9. Such materials have been separated within the production and have been individually endorsed with the legend "sensitive discovery material."

Today's production will be delivered via the USAFx platform. We recommend that you download a copy of the production for your archives as soon as practicable. Please do not hesitate to contact us if you have any difficulty accessing or downloading the production.

Description	Begin Bates	End Bates
Extended Stay America, Inc. records	MM-001851	MM-001856
New Jersey State Police records	MM-001857	MM-001875
Panera Bread Company records	MM-001876	MM-001910
Millburn Township Police records	MM-001911	MM-001912
Warren Township Police records	MM-001913	MM-001915
Oath Holdings, Inc. (Yahoo) data and records related to search warrant, docket no. 17-MJ-995	MM-001916	MM-002020
Photographs from New Jersey residence, taken on or about September 5, 2018	MM-002021	MM-002025
Documents found at a New Jersey residence, on or about September 5, 2018, and associated draft translations	MM-002026	MM-002033
Facebook Inc. messages sent by “Tony Lee”	MM-002034	MM-002035
Warren Township Police records	MM-002036	MM-002040
Surveillance footage from residence taken on or about September 4 and 5, 2018	MM-002041	MM-002042
AT&T Corp. records and data related to search warrant, docket no. 18-MC-2514	MM-002043	MM-002050
Copies of mailings sent to victims	MM-002051	MM-002068
Facebook records and corresponding draft translation	MM-002069	MM-002210
Draft translations of mailings sent to victims	MM-002211	MM-002231
Photographs of night vision goggles and associated materials	MM-002232	MM-002243

Description	Begin Bates	End Bates
New Jersey Motor Vehicle Commission records	MM-002244	MM-002357
FBI Laboratory Report	MM-002358	MM-002360
FBI Laboratory Report	MM-002361	MM-002362
FBI Laboratory Report	MM-002363	MM-002364
FBI Laboratory Report	MM-002365	MM-002366
FBI Laboratory Report	MM-002367	MM-002373
FBI Laboratory Report	MM-002374	MM-002380
FBI Laboratory Report	MM-002381	MM-002390
AT&T Corp. records and data related to search warrant, docket no. 18-MC-2514	MM-002391	MM-002391
T-Mobile US, Inc. records and data related to search warrant, docket no. 19-MC-2941	MM-002392	MM-002392
Lycamobile records and data related to search warrant, docket no. 19-MC-2941	MM-002393	MM-002393
Verizon Wireless records and data related to search warrant, docket no. 19-MC-2941	MM-002394	MM-002394
Select WeChat messages and corresponding draft translations	MM-002395	MM-002398
T-Mobile US, Inc. records and data related to search warrant, docket no. 18-MC-2514	MM-002399	MM-002399
T-Mobile US, Inc. records and data related to search warrant, docket no. 19-MJ-694	MM-002400	MM-002400
Surveillance footage from residence taken on or about September 4 and 5, 2018	MM-002401	MM-002401

Description	Begin Bates	End Bates
Oath, Inc. (AOL) records and data	MM- 002402	MM- 002402

Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

JACQUELYN M. KASULIS
Acting United States Attorney

By: /s/ J. Matthew Haggans
Craig R. Heeren
J. Matthew Haggans
Ellen H. Sise
Assistant U.S. Attorneys
(718) 254-7000

Enclosures (via USAFx)

cc: Clerk of the Court (PKC) (by ECF) (without enclosures)